

REMARKS

Claims 1, 5-7, 23, 31, 33-37 and 39-45 are pending in the instant application.

The Office Action rejects claims 1 and 5-7 as anticipated by Inagami, U.S. Patent No. 4,884,294. The Office Action relies on the fact that Inagami discloses two states related to a Paging function. In the first state, the user is talking on the phone, and in the next state, the user is not talking on the phone. As described, for example, in Column 5, line 54, when in the "Paging during talking" state, the sound level is low, and when in the "Paging when not talking" state the sound level is high.

Applicants note that Inagami teaches nothing about any affect to what it describes as the Paging function with respect to duration or tonal quality (i.e., the limitations set forth in claims 5 and 7 respectively), as the "sound pattern" for the Paging When Not Talking condition is described as "same as that of the 'paging during talking'." Column 6, lines 5-6. Therefore, the anticipation rejection of claims 5 and 7 is traversed as improper, and claims 5 and 7 are herein placed into independent form. Further, Inagami does not teach or suggest affecting the alerting signal "based on an estimate of the distance between the base unit and the handset." All Inagami teaches is that there are two profiles with respect to Paging, one for "talking" and one for "not talking". There is no relationship between talking and an estimate of the distance between the base unit and the handset.

With respect to claims 1 and 6, applicant herein amends claim 1 to state that "the paging mechanism and alerting mechanism are for use in locating a missing handset." It is not clear what Inagami is referring to when it talks about paging or "Page PBS", but it is clear that this function in Inagami must be for something other than locating a missing handset, as one of the states is Paging During Talking. Clearly, if one is talking on the handset, the handset is not missing.

Based on the amendment to claim 1, and the above arguments with respect to claims 5 and 7, Applicants respectfully request that this rejection be reconsidered and withdrawn.

Claims 31 and 33-37 stand rejected as anticipated by Hardouin, which allegedly teaches the control of ringer volume based on background noise. Applicants have herein amended claim 33 to remove the word “volume”, rendering this rejection moot.

Claims 23 and 39-41 stand rejected as obvious over Inagami in view of Dennerlein. The Office Action states that “Inagami clearly shows and discloses a method of affecting a page alerting signal of a telephone handset [by] . . . sensing a condition related to a location of the handset 1 (i.e., the distance between the user (e.g., when pressing the PAGE PBS (push button switch) (paging mechanism) as a base unit 5) and the handset 1) (figures 2-4 and 8, column 5, line 54 – column 6 line 6, and column 7 lines 1-50)”. As mentioned earlier, all Inagami teaches with respect to the paging function is to affect the volume depending on “talking” or “not talking”, which is not related to location.

Further, Dennerlein merely teaches that it is known to compute the distance between a stationary radio and a mobile telephone based on signal delay. Applicants do not dispute that this is known. In fact, applicants rely on the fact that this is known to one of skill in the art. As is clear from the pending claims, applicants are in no way suggesting that the present invention teaches, for the first time, that one could use signal delay measurements to estimate distance. Further, from a review of the present application, it is clear that applicants rely on this general knowledge. Instead, in reliance on this knowledge, applicants teach a new use for this conventional measure, as claimed. Therefore, Dennerlein merely teaches what applicants have already acknowledged and relied upon, and in no way makes up for the deficiencies in Inagami.

Claims 42-45 are rejected over Inagami in combination with Alvarez. This rejection is also traversed, for reasons as mentioned above, since Inagami does not teach sensing a condition related to a location of the handset and affecting an alerting signal based thereon, as suggested in the Office Action.

Based on the foregoing, all claims are believed to be in condition for allowance.

Applicants note that Applicants representative and the Examiner played telephone tag trying to set up an interview prior to the filing of this amendment. Unfortunately, due to conflicting schedules, the interview did not occur. If the above arguments are not deemed persuasive, or would benefit from clarification, Applicant's representative is very interested in conducting the interview.

Respectfully submitted,

By: 

John P. Veschi, Attorney for Applicants

Reg. No. 39,058

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**Agere Systems Inc.,
4 Connell Drive, Room 4U-533C
Berkeley Heights, NJ 07922-2747**